

EXPRESS MAIL MAILING LABEL	
NUMBER	<u>EV31762387845</u>
DATE OF DEPOSIT	<u>January 26, 2004</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington D.C. 20231.	
<u>Elaine Barnett</u> Signature	

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Edwin deSteiguer Snead

Serial No.: Unknown

Filed: HEREWITH

For: METHOD FOR POSITIONING A PILE
CAP UNDERNEATH AN EXISTING
ELEVATED BRIDGE ASSEMBLY

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: 11042.0092.DVUS01

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record.

* * *

In order for an applicant for a patent or for a reissue of a patent to have an information disclosure statement in compliance with § 1.98 considered by the Office during the pendency of the application, the information disclosure statement must satisfy one of paragraph (b), (c), or (d) of this section. [37 CFR § 1.97(a)]

* * *

As provided by 37 CFR 1.97(b), this information disclosure statement is believed to be timely filed for consideration by the Office because it has been filed by the applicant:

- ☒ (1) Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
- ☐ (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an inter-national application;
- ☐ (3) Before the mailing of a first Office action on the merits; or
- ☐ (4) Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.

If for some reason a first Office Action has issued on the above application, the undersigned representative requests that this Information Disclosure Statement be accepted under 37 CFR 1.97(c)(2), and the undersigned authorizes the charging of the fee due as set forth in 37 CFR 1.17(p) to Deposit Account 01-2508/11042.0092.DVUS01. The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application. The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 01-2508/11042.0092.DVUS01.

* * *

This information disclosure statement is being filed in accordance with section 37 CFR § 1.97 and shall not be construed as a representation that a search has been made. [37 CFR § 1.97(g)]

The filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b). [37 CFR § 1.97(h)]

* * *

In accordance with 37 CFR § 1.98 (a)(1), this information disclosure statement filed under 37 CFR § 1.97 includes (1) a list of all patents, publications, or other information submitted for consideration by the Office on the accompanying PTO-FORM 1449.

Copies of the listed documents are enclosed for the convenience of the Examiner. In accordance with 37 CFR § 1.98 (a)(2), legible copies of : (i) each U.S. patent application and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

* * *

In accordance with 37 CFR § 1.98 (3), this information disclosure statement includes:

☒ (i) a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language. The concise explanation may be either separate from the specification or incorporated therein;

☒ (ii) A copy of the translation if a written English-language translation of a non-English-language document, or portion thereof, is within the possession, custody, or control of, or is readily available to any individual designated in § 1.56(c).

A complete, English translation of the French Patent No. 2 653 144, number B1, is not available to the Applicants at this time. A copy of the original document is being filed herewith, along with a translation of the Abstract. However, Applicants will gladly provide a full translation of the reference should the Examiner deem it to be necessary.

As it is presently understood by the undersigned Agent, French Patent No. 2 653 144 is relevant because it discloses a method of constructing civil engineering constructions under railway tracks in use without the use of temporary bridges. "The uprights of the bearing gantries are columns sunk or cut in on either side of the railway track or tracks, the crosspiece being

either manufactured in place protected from the track support, or prefabricated and fitted in place using the track support, or prefabricated and positioned with a crane with interruption of the traffic on the track or tracks. The floor or floors are then prefabricated on either side of the tracks and positioned by sideways insertion.” See English translation of Abstract for FR 2 653 144.

* * *

In accordance with 37 CFR § 1.98 (b), (1) each U.S. patent (if any) listed in the PTO FORM 1449 for this information disclosure statement is identified by inventor, patent number, and issue date. (2) Each U.S. patent application publication (if any) listed in the PTO FORM 1449 is identified by applicant, patent application publication number, and publication date. (3) Each U.S. application (if any) listed in the PTO FORM 1449 is identified by inventor, application number, and filing date. (4) Each foreign patent or published foreign patent application (if any) listed in the PTO FORM 1449 is identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application. (5) Each publication (if any) listed in the PTO FORM 1449 is identified by author (if any), title, relevant pages of the publication, date and place of publication.

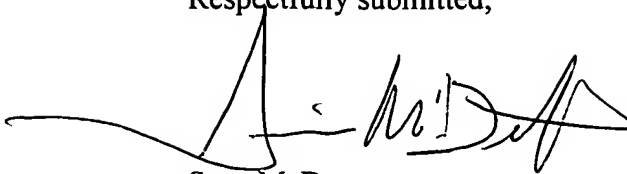
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The undersigned representative requests that an initialed copy of the enclosed FORM 1449 be entered into the application file wrapper and returned to the undersigned with the next communication from the Office.

* * *

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sean McDermott', written over a horizontal line.

Sean McDermott

Reg. No. 49,000

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(713) 787-1400

Date:

January 26, 2004

Form PTO-1449 (modified)		Atty. Docket No. 11042.0092.DVUS01	Serial No. Unknown
List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		Applicant Edwin deSteiguer Snead	
		Filing Date: HEREWITH	Group: Unknown
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page N/A</i>	

U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	3,448,511	06-1969	Suter	29	429	3-1967
	A2	4,103,861	08-1978	Buchler et al	249	20	2-1977
	A3	4,301,565	11-1981	Weinbaum	14	1	03-1980
	A4	4,497,153	02-1985	Muller	14	77.1	6-1982
	A5	4,691,399	09-1987	Kim et al.	14	2	11-1985
	A6	5,048,424	09-1991	Madison et al.	104	9	4-1990
	A7	5,197,389	03-1993	Glomski et al.	104	9	9-1991

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	FR 2 653 144	4/19/91	France	E 01	D 21/04	ABSTRACT

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)